IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 206 OF 2006
IN
WRIT PETITION NO.1937 OF 1995

Percy Jal Vakil ....Petitioner.

V/s

Maharashtra Housing &
Area Development Authority
& Ors. .....Respondents.

Ms. Ankleshwaria i/b Ms. Sudha Sreedharan for the petitioner in support of the Chamber Summons.

Mr. S.P. Thorat for Respondents - MHADA.

CORAM: V.M. KANADE, J.
DATE : 18th June, 2007

P.C.

1. Heard the learned Counsel appearing on behalf of the Petitioner and the learned Counsel appearing on behalf of Respondents - MHADA.

2. The Petitioner has taken out this Chamber Summons seeking amendment of the Petition in terms of the draft amendment which is annexed to the affidavit in support. The Petitioner has also tendered one more draft amendment across the court, a copy of which has been suppled to the Respondents.

3. The learned Counsel appearing on behalf of the Petitioner submits that the Petitioner would like to bring on record the subsequent events which have taken place after the petition was admitted by this Court. She submits that in other cases also, this Court as also the Supreme Court has passed certain favourable orders in respect of the Petitions which were taken out by those Petitioners. She submits that during the pendency of the Petition, D.C. Regulation No.33 (7) has also been amended and, therefore, it is necessary to carry out the aforesaid amendment.

4. Mr. Thorat, the learned Counsel appearing on behalf of Respondents - MHADA vehemently opposed the application for amendment of the Petition. He submits that the Petition has been admitted. The Petition was filed in 1995 and the Petition is ready for final hearing. He submits that the Petitioner cannot be allowed to change the nature of the Writ Petition. He submits that amendments which are sought to be made are in the nature of raising a fresh case against MHADA.

5. I have perused the draft amendment. It is apparent that by the said draft amendment, Petitioner seeks to bring on record subsequent events which have taken place after filing of the Petition. It is a well settled position in law that the Petitioner is entitled to bring on record any subsequent events. No prejudice, therefore, would be caused to MHADA if the Petitioner is permitted to bring these developments on

record and MHADA is permitted to file an affidavit in reply in relation to the amendments which are sought to be made in the Petition.

6. In the result, Chamber Summons is allowed. Petitioners are allowed to amend the Petition in terms of the Schedule of the draft amendment annexed to the affidavit in support as also a copy of the draft amendment tendered across the court. The Petitioner shall give a copy of the amended Petition to Respondents - MHADA within one week from today. Respondents - MHADA are permitted to file their affidavit in reply to the amended copy of the Petition within four weeks. Place the matter on final hearing board thereafter on 30/07/2007.

(V.M. KANADE, J.)